

FEDERAL COMMUNICATIONS COMMISSION  
FCC MAIL SECTION

WASHINGTON, D.C. 20554  
5 JUN 1992

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IN REPLY REFER TO:

7310-12

DISPATCHED BY

Mr. John B. Richards, Esq.  
Keller and Heckman  
1001 G Street, N.W.  
Suite 500 West  
Washington, D.C. 20001

PR 93-61/

Dear Mr. Richards:

This is in response to the November 4, 1991, Request for Rule Waiver  
(Request) submitted on behalf of your client, PacTel Teletrac (PacTel), as  
supplemented April 28, 1992. PacTel seeks a waiver of the permissible use

Waiver of Part 90 rules is appropriate where "unique circumstances are involved and . . . there is no reasonable alternative solution within existing rules." 47 C.F.R. § 90.151. See also WAT Radio v. FCC, 418 F.2d 1153 (D.C. Cir. 1969). In combination, the following facts presented in PacTel's waiver request constitute unique circumstances warranting a waiver of Section 90.239(a) to permit PacTel to provide expanded location services: (1)

In summary, for the reasons listed above, PacTel's request for waivers of the permissible use and eligibility restrictions contained in 47 C.F.R. § 90.239(a) are hereby granted. These waivers are applicable to all of the licensed stations indicated in the attached Appendix and will be extended to all new license grants awarded to PacTel for the purpose of implementing PacTel's tracking and location service. Because the subject frequencies are available to Part 90 licensees on a secondary basis to Federal Government use, we condition these waiver grants on PacTel obtaining approval from the Interdepartment Radio Advisory Committee. Moreover, since Section 90.239 of our Rules is termed "interim provisions for operation of automatic vehicle monitoring systems," we further condition these waivers on the outcome of any future proceedings that would adopt permanent rules to govern AVM operations in this band.

Sincerely,

✓ Ralph A. Haller  
Chief, Private Radio Bureau

Enclosure

cc:  
Chief, Rules Branch  
Chief, PRB (2)  
Chief, LM&ND  
Licensing Division, Gettysburg, PA  
Chron  
File

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kincaid/teletracs